

ORDINANCE NO. 409

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF SPRING, AS AMENDED, AND CHAPTER XXXII, ENTITLED "ZONING" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF SPRING TO: (1) AMEND SECTION 202, ENTITLED "DEFINITIONS", OF PART 2 ENTITLED "DEFINITIONS", TO AMEND THE DEFINITION FOR "FAMILY" AND "GROUP HOME" AND TO ADD A DEFINITION FOR "TREATMENT CENTER"; (2) AMEND AND RESTATE IN THEIR ENTIRETIES SECTION 309 ENTITLED "MODERATE DENSITY SUBURBAN DISTRICT (MDS)", SECTION 310 ENTITLED SUBURBAN / SEMIURBAN DISTRICT (SS)", SECTION 311 ENTITLED "URBAN DISTRICT (U), AND SECTION 313 ENTITLED "PLANNED HIGHWAY COMMERCE DISTRICT (PHC)", OF PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS" TO ADD GROUP HOME AS A USE PERMITTED BY RIGHT AND TO REMOVE GROUP HOME AS A SPECIAL EXCEPTION USE UNDER EACH SECTION; (3) AMEND AND RESTATE IN ITS ENTIRETY SECTION 320 ENTITLED "FUEL STORAGE DISTRICT" OF PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS" TO ADD TREATMENT CENTER AS A SPECIAL EXCEPTION AND AMENDING LOT SIZE FOR CERTAIN USES THEREIN; (4) AMEND SECTION 321 ENTITLED "COMPLIANCE AND PERFORMANCE STANDARDS FOR CERTAIN PRINCIPAL USES" TO PROVIDE FOR ADDITIONAL REQUIREMENTS FOR GROUP HOMES; (5) AMEND TABLE 7.1 ENTITLED "OFF STREET PARKING REQUIREMENTS" OF SECTION 701 ENTITLED "REQUIRED NUMBER OF OFF-STREET PARKING SPACES" OF PART 7 ENTITLED "OFF-STREET PARKING AND LOADING" TO REVISE PARKING REQUIREMENTS FOR GROUP HOMES AND TO PROVIDE PARKING REQUIREMENTS FOR TREATMENT CENTERS; AND (6) AMEND SECTION 805 ENTITLED "ZONING HEARING BOARD FUNCTIONS" OF PART 8 ENTITLED

"ADMINISTRATION" TO PROVIDE FOR REASONABLE  
ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

**SECTION 1.** Section 202 entitled "Definitions", of Part 2 entitled "Definitions", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is hereby supplemented by amending and restating the definitions of "Family" and "Group Home" as follows and by adding thereto in alphabetical order the definition for "Treatment Center":

"FAMILY - one (1) or more persons related by blood, marriage, foster relationship or adoption (or a group of not more than three (3) persons not related by blood, marriage or adoption) living together in a single dwelling and maintaining and functioning as a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, or lodger. The term shall include such number of unrelated disabled persons who are residing together in a Group Home, in accordance with the provisions for Group Homes as provided herein."

"GROUP HOME - a building occupied as a residence by more than three (3) disabled residents who receive twenty-four (24) hour resident supervision, licensed under the applicable State program. Such use shall not include facilities occupied by those convicted of or being detained on criminal charges or adjudicated on charges of delinquency. The term "disabled", for the purposes of this definition and for some purpose of the definition of "family", as set forth above, shall mean those individuals with a "handicap" as defined in the Federal Fair Housing Act of 1988, as amended."

"TREATMENT CENTER - a use involving any of the following:

(1) a use (other than a prison or a hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling because of:

(a) criminal rehabilitation, such as a criminal halfway house;

(b) current addiction to a controlled substance that was used in an illegal manner or alcohol; and / or

(c) a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

(2) A use that otherwise would meet the definition of a group home but that exceeds the number of residents allowed by this Chapter within a group home shall be regulated as a treatment center, unless otherwise approved under Section 805(B)(5) of this Chapter.

(3) A non-residential use that involves distribution of methadone, other than a hospital."

**SECTION 2.** Subsection (B) entitled "Uses Permitted by Right", of Section 309 entitled "Moderate Density Suburban District (MSD)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Moderate Density Suburban District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Forestry, including but not limited to, timber harvesting\*,\*\*.
- (2) Group home\*\*.
- (3) Orchard or Christmas tree farm.
- (4) Public recreation, including Township park.
- (5) Single-family detached dwelling.
- (6) Township-owned use, including Township park.

\*\*See §321 for additional requirements."

**SECTION 3.** Subsection (C) entitled "Special Exception Uses", of Section 309 entitled "Moderate Density Suburban District (MDS)", of Part 3 entitled "Zoning District and Regulations", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Moderate Density Suburban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter.

- (1) Cemetery or mausoleum\*.

- (2) College or university\*.
- (3) Community center.
- (4) Convalescent / nursing home\*.
- (5) Fire Station\*.
- (6) Nursery school / day care center\*.
- (7) Picnic grove\*.
- (8) Place of worship\*.
- (9) Public utility facility\*.
- (10) School, public / private, not including trade school\*.
- (11) Swimming club\*.
- (12) Tennis club\*.

\*See §321 for additional requirements."

**SECTION 4.** Subparagraph (B) entitled "Uses Permitted by Right", of Section 310 entitled "Suburban / Semiurban District (SS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Suburban / Semiurban District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied.

- (1) Garden apartment\*,\*\*.
- (2) Forestry, including, but not limited to, timber harvesting\*,\*\*.
- (3) Group home\*\*.
- (4) Public recreation.
- (5) Retirement community\*,\*\*.
- (6) Single-family attached dwelling\*.
- (7) Single-family detached dwelling.

- (8) Single-family to multifamily conversions\*.
- (9) Township-owned use, including Township park.
- (10) Two-family detached dwelling\*.
- (11) Two-family semidetached dwelling\*.

\*Site plan review required. (see §409)

\*\*See §321 for additional requirements."

**SECTION 5.** Subparagraph (C) entitled "Special Exception Uses", of Section 310 entitled "Suburban / Semiurban District (SS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Suburban / Semiurban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Cemetery or mausoleum\*.
- (2) College or university\*.
- (3) Community center.
- (4) Fire station\*.
- (5) Nursery school/ day care center\*.
- (6) Place of worship\*.
- (7) Public utility facility\*.
- (8) School, public / private\*.
- (9) Swimming club\*.
- (10) Tennis club\*.

\*See §321 for additional requirements."

**SECTION 6.** Subparagraph (B) entitled "Uses Permitted by Right", of Section 311 entitled "Urban District (U)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Urban District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Forestry, including, but not limited to, timber harvesting\*,\*\*.
- (2) Garden apartments\*,\*\*.
- (3) Group home\*\*.
- (4) Retirement community\*,\*\*.
- (5) Single-family attached dwelling\*,\*\*.
- (6) Single-family detached dwelling.
- (7) Two-family semidetached dwelling\*.
- (8) Two-family detached dwelling\*.
- (9) Single-family to multifamily conversions\*.
- (10) Township-owned use, including Township park.
- (11) Public recreation.

\*Site plan review required. (see §409)

\*\*See §321 for additional requirements."

**SECTION 7.** Subparagraph (C) entitled "Special Exception Uses", of Section 311 entitled "Urban District (U)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Urban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Bed and breakfast\*.
- (2) Boarding house\*.
- (3) Cemetery or mausoleum\*.
- (4) College or university\*.
- (5) Community center.
- (6) Fire station\*.
- (7) Nursery school / day care center\*.
- (8) Nursing home\*.
- (9) Orphanages\*.
- (10) Picnic grove\*.
- (11) Place of worship\*.
- (12) Public utility facility\*.
- (13) School, public / private\*.
- (14) Swimming club\*.

\*See §321 for additional requirements."

**SECTION 8.** Subparagraph (B) entitled "Uses Permitted by Right", of Section 313 entitled "Planned Highway Commerce District (PHC)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Highway Commerce District by the Zoning Hearing Officer, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied:

- (1) Ambulatory surgical center\*,\*\*.
- (2) Animal hospital\*,\*\*.
- (3) Art, photography or dance studio\*.

- (4) Automobile accessories.
- (5) Beverage distributor\*.
- (6) Bakery\*.
- (7) Business office\*.
- (8) Catering establishment.
- (9) Construction company\*.
- (10) Convenience store\*,\*\*.
- (11) Cultural center\*.
- (12) Day care / nursery school\*,\*\*.
- (13) Financial establishment\*,\*\*.
- (14) Food stand \*,\*\*.
- (15) Forestry, including but not limited to, timber harvesting\*,\*\*.
- (16) Fuel oil company\*,\*\*.
- (17) Funeral home\*.
- (18) Government office\*.
- (19) Group home\*.
- (20) Holiday tree sales.
- (21) Hospital or medical center\*,\*\*.
- (22) Hotel / motel\*,\*\*.
- (23) Laundry / laundromat\*,\*\*.
- (24) Medical clinic or medical office\*,\*\*.
- (25) Medical laboratory or blood donor station\*,\*\*.
- (26) Membership club or lodge\*,\*\*.
- (27) Multiple use building\*,\*\*.
- (28) Musical instrument sales\*.



- (29) Office equipment sales and service\*,\*\*.
- (30) Open air retail\*,\*\*.
- (31) Personal service establishment\*.
- (32) Pet grooming establishment\*,\*\*.
- (33) Printing / publishing establishment\*,\*\*.
- (34) Professional office\*.
- (35) Recreation, public.
- (36) Restaurant, fast food\*,\*\*.
- (37) Restaurant, fast food with drive-through service\*,\*\*.
- (38) Restaurant, standard\*,\*\*.
- (39) Retail nursery / greenhouse\*,\*\*.
- (40) Retail store\*,\*\*.
- (41) Self-storage facility\*,\*\*.
- (42) Single-family detached dwelling.
- (43) Tanning salon\*.
- (44) Tavern\*,\*\*.
- (45) Temporary retail sales.
- (46) Township-owned use, including Township park.
- (47) A combination of uses permitted by right\*,\*\*.

\*Site plan review required. (see §409)

\*\*See §321 for additional requirements."

**SECTION 9.** Subparagraph (C) entitled "Special Exception Uses", of Section 313 entitled "Planned Highway Commerce District (PHC)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Highway Commercial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Automotive repair\*.
- (2) Automobile sales\*.
- (3) Automobile service station\*.
- (4) Bed and breakfast\*.
- (5) Boarding house\*.
- (6) Carwash\*.
- (7) Cemetery\*.
- (8) Drive-in theater\*.
- (9) Fire station\*.
- (10) Health club\*.
- (11) Lumber yard\*.
- (12) Massage parlor.
- (13) Place of worship\*.
- (14) Public utility facility\*.
- (15) Recreation, non-public indoor\*.
- (16) Recreation, non-public outdoor\*.
- (17) Single-family detached dwelling in combination with any commercial activity\*.
- (18) Swimming club\*.
- (19) Taxi terminal.

(20) Tennis club\*.

(21) Trade school.

See §321 for additional requirements."

**SECTION 10.** Subparagraph (C) entitled "Special Exception Uses", of Section 320 entitled "Fuel Storage District (FS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Fuel Storage Industrial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

(1) Adult business use\*.

(2) Assembly and packaging establishment.

(3) Chemical products industry.

(4) Communications towers and communications equipment buildings\*.

(5) Fire station\*.

(6) Metal fabrication.

(7) Public utility facility\*.

(8) Treatment Center\*.

(9) Truck terminal\*.

(10) Other industrial uses not listed above.

See §321 for additional requirements."

**SECTION 11.** Subparagraph (F) entitled "Lot Area, Width, Building Coverage and Height Regulations", of Section 320 entitled "Fuel Storage District (FS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(F) Lot Area, Width, Building Coverage and Height Regulations.  
Each of the following dimensional requirements shall apply to each use in the Fuel Storage District, except as specifically provided for in this Chapter.

<u>Principal Use</u>	<u>Minimum Lot Area*</u> (acres)	<u>Minimum Lot Width</u> (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height (Whichever is Less)</u> (Stories) (Feet)	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>		
Adult business use or Treatment Center	2	150	10	15	2 ½	30
Any Other Permitted Use	5	500	60	75	3 ½	50

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in §320(G) for the particular use.

**SECTION 12.** Subparagraph (37) entitled "Group Home", of Subsection (B) entitled "Additional Requirements", of Section 321 entitled "Compliance and Performance Standards for Certain Principal Uses", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(37) Group Home.

(a) There shall be no more than six (6) residents, except where the Zoning Hearing Board has granted a special exception permitting a modification to the total number of residents in accordance with the provisions of Section 805(B)(5) of this Chapter.

(b) There shall be twenty-four (24) hour resident supervision by people qualified by training and experience in the field for which the group home is intended.

(c) The use shall be licensed under the applicable State program and shall comply with all applicable State rules and regulations.

(d) Any medical or counseling services provided shall be done so only for residents of the group home.

(e) The lot upon which a group home is located shall be at least three hundred (300) feet from the lot upon which another group home is located; (such distance shall be measured in a horizontal straight line from the nearest point on one (1) lot to the nearest point on the other lot.

(f) Off-street parking shall be provided in accordance with the provisions of Part 7.

(g) There shall be no alteration to the outside of the structure that would alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or become incompatible with surrounding dwellings.

(h) No sign for the group home shall be displayed.

(i) No more than two (2) live-in supervisors shall reside in a group home.

(j) The applicant shall provide documentation that the residents of the group home shall receive the physical safety and emotional support that may be required, in accordance with prevailing governmental regulations.

(k) Immediate contact with a supervisor or manager of the facility shall be available to the Township, twenty-four (24) hours per day, seven (7) days per week.

(l) An emergency management plan must be developed and submitted to the Township Fire Marshall for review and approval.

(m) All group homes shall be subject to an annual inspection by the Township Codes Department and the Township Fire Marshall.

(n) The applicant shall provide the Township with copies of all applicable state and / or federal licenses and approvals."

**SECTION 13.** Subsection B entitled "Additional Requirements", of Section 321 entitled "Compliance and Performance Standards for Certain Principal Uses", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby supplemented by adding thereto the following as a new Paragraph 93 and renumbering the remaining paragraphs 93 through 96 to become Paragraphs 94 through 97:

"(93) Treatment Center.

(a) A minimum of lot area of 2 acres shall be required.

(b) There shall be no more than twelve (12) residents, including any live-in supervisors.

(c) There shall be twenty-four (24) hour resident supervision by people qualified by training and experience in the field for which the treatment center is intended.

(d) The use shall be licensed under the applicable State program and shall comply with all applicable State rules and regulations.

(e) The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use. Any future additions to this list shall require additional special exception approval.

(f) Any medical or counseling services provided shall be done so only for residents of the treatment center.

(g) The lot upon which a treatment center is located shall be at least one thousand (1,000) feet from the lot upon which a group home or another treatment center is located; (such distance shall be measured in a horizontal straight line from the nearest point on one (1) lot to the nearest point on the other lot).

(h) Off-street parking shall be provided in accordance with the provisions of Part 7.

(i) The applicant shall provide sufficient documentation to demonstrate that the use shall involve adequate on-site supervision and security measures to protect public safety.

(j) The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(k) Immediate contact with a supervisor or manager of the facility shall be available to the Township, twenty-four (24) hours per day, seven (7) days per week.

(l) An emergency management plan must be developed and submitted to the Township Emergency Management Coordinator for review.

(m) All treatment centers shall be subject to an annual inspection by the Township Codes Department."

**Section 14.** Table 7.1 entitled "Off-Street Parking Requirements", of Section 701 entitled "Required Number of Off-Street Parking Spaces", of Part 7 entitled "Off Street Parking and Loading", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

Table 7.1

Off-Street Parking Requirements

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
<b>AGRICULTURAL USES</b>	
Agriculture	1 per employee
Animal Hospital/Veterinarian	1 per employee + 4 per doctor
Animal Husbandry	1 per employee
Greenhouse/Nursery	1 per employee + 1 per 120 SF**
Kennel	1 per employee + 1 per 4 animals of capacity

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
Riding Stable	1 per employee + 1 per 4 animals of capacity
Seasonal Roadside Produce Stand	1 per employee + 1 per 120 SF**
<b>RESIDENTIAL USES</b>	
Dwelling, 3 bedrooms or less	2 per dwelling unit
Dwelling, 4 bedrooms or more	3 per dwelling unit
Group Home	1 per each employee on largest shift +1 space per resident, unless the applicant proves the home will be limited to persons who are unable, or not permitted to drive
Home Occupation	1 per 200 SF of floor area accessible to customers* + 1 per each nonresident employee, to a maximum of 3 spaces in addition to those required for the dwelling unit
Housing for the Elderly	1 per 2 dwelling units + 1 per each employee on largest shift
Rooming/ Boarding House, Fraternity and Other Similar Places	1 per roomer/boarder + 1 per each rental unit + 1 for each employee
<b>RECREATIONAL USES</b>	
Bowling Alley	5 per lane
Community Center	12 spaces per 1,000 SF + 1 per employee
Health Club	1 per 60 SF** + 1 per employee on largest shift
Library	5 per 1,000 SF + 1 per employee
Indoor Recreation, including	1 per 45 SF of floor area accessible to customers*



CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
Membership Club	+1 per each employee on largest shift
Outdoor Recreation (Ballfields, Golf Course)	1 per 3 persons of design capacity + 1 per each Employee on largest shift
Swimming or Tennis Club	1 per 3 persons of maximum occupancy + 1 per each employee on largest shift
Stadium	1 per 3 seats + 1 per employee on largest shift
Theater or Auditorium	1 per 3 seats + 1 per employee on largest shift
<b>INSTITUTIONAL AND EDUCATIONAL USES</b>	
Ambulatory Surgical Center	1 per 600 SF**
College or University	1 per 2 students + 1 per employee on largest shift
Conference/Training Center	1 per 2 seats + 1 per employee
Cultural Center	1 per 500 SF** + 1 per employee (indoor facility) or 1 per 4,000 SF of lot area dedicated to use + 1 per employee (outdoor facility)
Hospital/Medical Center or Nursing Home	1 per bed + 1 per employee
Hospital Staff Dormitory	1 per resident + 1 per employee on largest shift
Medical or Dental Office/Clinic	4 per doctor + 1 per employee
Medical Laboratory	1 per 250 SF**
Nursery/Day Care Center	1 per employee + 1 per 12 children
Patient Hostel	1 per guest room + 1 per employee on largest shift
Places of Worship	1 per 3 seats + 1 per employee

<b>CATEGORY</b>	<b>NUMBER OF REQUIRED OFF-STREET PARKING SPACES***</b>
School, Elementary/Jr. High	2 per administrative employee + 1.2 per additional employee + 0.25 per gymnasium seat
School, High	1 per employee + 1 per every 3 students accommodated at one time
Treatment Center	1 per each employee on largest shift + 1 space per resident, unless the applicant proves the treatment center will be limited to persons who are unable, or not permitted to drive
Utility Substation	1 per vehicle required to service such facility
<b>RETAIL AND COMMERCIAL SERVICES USES</b>	
Adult Bookstore	1 per 100 SF** + 1 per employee
Auto, Gas/Service/Repair	2 per service bay + 1 per employee
Auto, Recreational or Boat Sales	1 per 10 vehicles/RVs/boats on display + 1 per each employee
Fast Food Restaurant, Fast Food Restaurant with Drive Through, Food Stand	1 per 30 SF** + 1 per employee on largest shift
Financial Institution	1 per 250 SF** + 1 per employee
Food Stand	1 per 20 SF** + 1 per employee
Funeral Home	1 per 50 SF** + 1 per employee
Hotel/Motel	1 per guest unit + 1 per employee on largest shift. Parking for any associated restaurant, nightclub, conference/training, recreation or other use shall be calculated separately
Laundromat	1 per 3 machines + 1 per each employee

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
Nightclub	1 per 30 SF** + 1 per employee on largest shift or 1 per 2 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Office, less than 400 SF	1 per 150 SF**
Office, more than 400 SF	1 per 250 SF**
Off-Track Betting Parlor	1 per 40 SF** + 1 per employee on largest shift or 1 per 2 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Open Air Retail	1 per 1,500 SF of lot area dedicated to use
Personal Service Business	1 per 150 SF* + 1 per employee
Restaurant/Tavern	1 per 40 SF** + 1 per employee on largest shift or 1 per 3 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Retail/General Merchandise Store	1 per 200 SF** + 1 per employee
Shopping Center	5 per 1,000 SF** (See additional parking requirements under §321

#### INDUSTRIAL, WHOLESALE AND WAREHOUSING USES

Industrial, Manufacturing or Warehousing Uses	1 per each employee on two largest successive shifts
-----------------------------------------------	------------------------------------------------------

\* Of all floor area occupied by equipment, furnishings or inventory accessible to customers or patrons, but not including corridors, toilet rooms and other such accessory rooms as may be provided.

\*\* Gross floor area.

\*\*\*In addition to the required off-street parking spaces, a day care or any interior service and convenience uses that involve a day-care shall have one (1) off-street stacking space for every ten (10) participants in the day-care, which shall be in accordance with the Drive-Through Off-Street Stacking Space Regulations of §707."

**SECTION 15.** Subsection (B) entitled "Special Exceptions" of Section 805 entitled "Zoning Hearing Board Functions", of Part 8 entitled "Administration", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(B) Special Exceptions.

(1) Four (4) copies of an application for a special exception shall be submitted to the Zoning Hearing Board. Such application shall include all information specified for a zoning permit application and any other information the Zoning Hearing Board deems necessary to make a determination. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

(2) The administrative procedures for a special exception hearing shall be consistent with the requirements specified by Section 807 of this Part.

(3) The Township Planning Commission and Board of Supervisors shall receive a copy of the application and shall have thirty (30) days to review and make comments and a recommendation at their discretion.

(4) Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

(5) **Persons with Disabilities.** The Zoning Hearing Board shall hear requests for special exceptions where it is alleged that modifications to specific requirements of this Chapter are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined and protected by such laws.

(a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act of 1988, as amended, and / or the Americans With Disabilities Act, as amended.

(b) If the applicant is requesting a reasonable accommodation under the U.S. Fair Housing Act of 1988 or the Americans With Disabilities Act, the applicant shall identify the disability that is protected by such statutes, the extent of the modification of the provisions of this Chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation may be removed when such person(s) with a protected disability no longer will be present on the property.

(c) Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

(d) In granting such special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter. "

**SECTION 16.** If any provision, sentence, clause, section, article or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, articles or parts of this Ordinance. It is hereby declared as the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, article or part thereof not been included herein.

**SECTION 17.** All ordinances or parts of ordinances of this Township which are inconsistent herewith are hereby repealed.

**SECTION 18.** The Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania, upon adoption.

**SECTION 19.** This Ordinance shall become effective in accordance with the law.

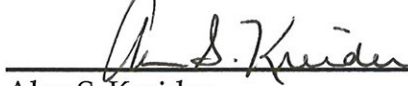
ENACTED AND ORDAINED this 23<sup>rd</sup> day of December, 2013.

BOARD OF SUPERVISORS  
TOWNSHIP OF SPRING

  
\_\_\_\_\_  
Barry W. Ulrich, Chairman

\_\_\_\_\_  
Patti J. Smith, Vice Chairman

  
\_\_\_\_\_  
Kyle M. Hummel

  
\_\_\_\_\_  
Alan S. Kreider

  
\_\_\_\_\_  
James R. Oswald

ATTEST:   
\_\_\_\_\_  
(Assistant) Secretary

MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (Assistant) Secretary of the TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 409 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on December 6, 2013 and December 13, 2013 and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on December 23, 2013.

(SEAL)

  
(Assistant) Secretary